Remarks/Arguments

Reconsideration of the application in view of the present amendment is respectfully requested.

Claims 51-80 are pending in the application. The Office Action rejects claims 51-80 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,629,138 to Lambert et al. (hereinafter "Lambert").

Claim 51 recites a method of a client terminal downloading requested data via a client-server communications network, the method comprising, *inter alia*, "pinging a first proxy server client corresponding to [a] selected first address to assess a connection speed to the first proxy server client." In an attempt to find this step, the Office cites col. 13, line 63 – col. 14, line 14 of Lambert. However, the recited portions of Lambert teach using an ICEXPIRE tag to rapidly determine whether data in a cache of a caching server has expired (*see also*, Lambert, col. 14, line 15 – col. 15, line 23). A person of ordinary skill in the art would readily appreciate that using a tag to rapidly determine whether data in a cache of a caching server has expired is not at all the same as, nor is it even suggestive of, pinging a first proxy server client to assess a connection speed to the first proxy server client as required by Applicant's claim 51.

While Lambert does additionally use the key word "ping," it does so in the context of notifying a content subscriber that new data is available for retrieval from a back-end server, and not to assess a connection speed to a first proxy server client (*see, e.g.*, Lambert, col. 25, line 55 – line 63). Thus, Lambert fails to teach or suggest all of the required steps of Applicant's claim 51. As such, Applicant's claim 51, and its dependents, is patentable over Lambert.

Applicant's claim 63 recites a client-server communications network comprising, *inter alia*, a requesting client having a proxy list comprising an address for at least one proxy server client at which requested data is cached, wherein the requesting client includes "means for pinging a selected proxy server client corresponding to [a] selected address to assess a connection speed to the selected proxy server client, and means for downloading requested data from the local cache of the selected proxy server client to the requesting client if the

connection speed to the selected proxy server client meets a predetermined criterion." As described above regarding Applicant's claim 51, nowhere does Lambert teach or even suggest means for pinging a proxy server client to assess a connection speed, let alone means for downloading data from the local cache of the proxy server client should the assessed connection speed meet a predetermined criterion. Thus, Lambert fails to teach or suggest all of the elements of Applicant's claim 63. As such, Applicant's claim 63, and its dependents, is patentable over Lambert.

Likewise, Applicant's claim 72 recites a client terminal comprising, *inter alia*, "means for pinging a selected proxy server client to assess a connection speed to the selected proxy server client; and means for downloading requested data from the selected proxy server client to the client terminal if the connection speed to the selected proxy server client meets a predetermined criterion." As noted above, Lambert fails to teach or even suggest means for pinging a selected proxy server client to assess a connection speed to the proxy server client, let alone means for downloading requested data from the selected proxy server client if the connection speed to the selected proxy server client meets a predetermined criterion. Thus, Lambert also fails to teach or suggest all of the elements of Applicant's claim 72. As such, claim 72, and its dependents, is patentable over Lambert.

Finally, Applicant's claim 80 recites a computer-readable storage medium containing a software plug-in programmed to adapt a client terminal to perform method steps comprising, *inter alia*, "pinging a selected proxy server client corresponding to [a] selected address to assess a connection speed to the selected proxy server client; and downloading requested data from the selected proxy server client to the client terminal if the connection speed meets a predetermined criterion." As described above with respect to Applicant's claim 51, Lambert fails to teach or even suggest pinging a selected proxy server client corresponding to a selected address to assess a connection speed to the selected proxy server client, let alone downloading requested data from the selected proxy server client to the client terminal if the connection speed meets a predetermined criterion. Thus, Lambert fails to teach or suggest all of the steps of Applicant's claim 80. As such, Applicant's claim 80 is patentable over Lambert.

Conclusions

In light of the foregoing, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,

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